

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 1 and 19. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-17 and 19-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ejzak (20030027569A1), hereinafter Ejzak. The Applicant respectfully traverses the rejection of these claims.

The Ejzak reference recites that an object of the invention is “to provide a communication system having features and services that can be utilized by both circuit switched and packet switched mobile units.” (para 0007). As will be discussed, the Applicant’s invention does not provide the system described in the Ejzak reference.

The Applicant, in the background, points out that a conventional Mobile Switching Center (MSC) in a monolithic architecture (non-layered) is sometimes called a non-split architecture (page 1, lines 7-14). In contrast to the Applicant’s invention, the Ejzak reference is concerned with split architecture that uses an MSC-Server and Media Gateway (MGW) (para 0003). This is termed layered architecture (page 1, lines 15-22) in the Applicant’s disclosure. From a system’s perspective, the MSC-Server is a part of the control plane which handles signaling data and the MGW is part of the user plane in which user data is handled.

The novel features of the Applicant’s invention allows telecom operators to smoothly transition when they change their system to layered architecture, because the existing non-layered equipment can be used with the new layered equipment. A problem solved by the Applicant’s invention is the support of the migration from a non-split to split architecture (non-layered to layered). (page 4, lines 5-9). Also, contrary to the Ejzak reference, the terminal type is not an issue. In Ejzak, the terminal type is

essential for service provisioning. In the Applicant's invention, terminal type is not relevant.

The Applicant respectfully directs the Examiner's attention to excerpted limitations from claim 1:

determining an operation mode of the switching node, wherein the determined operation mode indicates whether the switching node is operative for the processing of the requested communication service part of a layered architectural environment providing a user plane layer for user data and a control plane layer for signaling data, or part of a non-layered architectural environment not providing a split between a user plane and a control plane, and wherein the processing of the requested communications service comprises the operating of the switching node in the determined operation mode. (emphasis added)

The Applicant respectfully asserts that the Ejzak reference does not disclose, teach or suggest the above emphasized limitations.

As indicated in the claim language, one of the two available operation modes is selected upon receipt of a request at the node. The operation mode is determined according to predetermined rules in the dependent claims. The Ejzak reference discloses an iMSC-server that translates air interface control procedures into SIP and the iMSC-server allows feature and service control to be performed by the serving CSCF within IMS (para [0011]).

Referring to Fig. 4 (and para. [0059] – [0101]) of the Ejzak reference, in the instance of a mobile unit registering with the communication system, "The serving system is an MSC, an iMSC server, or a system capable of performing as either an MSC or an iMSC. The serving system processes (402) the registration in the normal manner, which includes authenticating the UE and informing the HSS of the location of the current serving system. Note that the term MSC refers to the combination of an MSC server and any MGW it controls. Similarly, the term iMSC refers to the combination of an iMSC server and any MGW it contains." (para. [0095]) In other words, the serving system in Ejzak is supporting iMSC which includes the MGW and *de facto* layered architecture since the MSC of Ejzak is a combination iMSC and MGW. Ejzak does not suggest, teach or discuss a

switching node that can be operated both in a mode that supports layered architecture and a mode that supports non-layered architecture.

The Ejzak reference lacks the above mentioned limitations and as such do not anticipate the independent claims 1 and 19. Claims 2-17 and 20 depend respectively from amended claims 1 and 19 and recite further limitations in combination with the novel elements of claims 1 and 19. Therefore, the allowance of claims 1-17 and 19-20 is respectfully requested.

### **Prior Art Not Relied Upon**

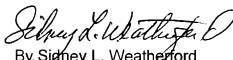
In paragraph 3 on page 10 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted.



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